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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 BRUCE BROOKS,

12 Petitioner,

13 v.

14 CONNIE GIPSON,

15 Respondent.

No. C 13-1352 LHK (PR)

ORDER DENYING MOTION
TO REINSTATE PETITION

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17 On March 26, 2013, petitioner, a state prisoner proceeding *pro se*, filed a writ of habeas
18 corpus. On May 29, 2013, the court denied petitioner's motion for leave to proceed in forma
19 pauperis ("IFP"), and directed petitioner to pay the \$5.00 filing fee within thirty days. On July
20 16, 2013, after having received no payment from petition, the court dismissed this action for
21 failure to pay the filing fee.

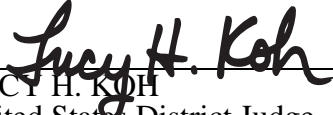
22 On July 31, 2013, petitioner filed a motion to reinstate the petition. In his motion,
23 petitioner alleges that on June 17, 2013, he sent a request for trust account withdrawal to his
24 prison counselor, and instructed his counselor to send the \$5.00 filing fee to this court.
25 Petitioner alleges that he assumed that the fee had been paid. On September 3, 2013, petitioner
26 filed a notice of update regarding payment of the filing fee. To date, no filing fee has been paid.

27 If and when petitioner can either pay the filing fee or file a renewed motion for leave to
28 proceed IFP demonstrating that he has insufficient funds to pay the filing fee, petitioner may file

1 a motion to re-open this action. Until that time, this case remains closed.¹ Petitioner's motion to
2 reinstate the petition is DENIED without prejudice.

3 IT IS SO ORDERED.

4 DATED: 9/25/13



LUCY H. KOH
United States District Judge

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28 ¹ On September 17, 2013, the court inadvertently granted respondent's motion for an
extension of time to file a response to the order to show cause. Because this had already been
closed, respondent's motion and the court's September 17, 2013 order were moot.